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29858

7590

05/25/2005

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER
LLP
900 THIRD AVENUE
NEW YORK, NY 10022

08/15/2005 WABDEL3 00000141 09880453

08 FEE:1504
 03 FEE:8001

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,453	06/13/2001	Motohiro Tanno	3815/123	5239

TITLE OF INVENTION: SYNCHRONIZATION ESTABLISHING METHOD OF MOBILE STATION IN MOBILE COMMUNICATION SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/25/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
HA, DAC V	2634	375-142000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Workman Nydegger

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NTT DoCoMo, Inc.

11-1, Nagatacho 2-Chome, Chiyoda, Tokyo, 100-6150, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 15

- ☐ A check in the amount of the fee(s) is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment Deposit Account Number 23-3178 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other part interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date August 10, 2005

Typed or printed name

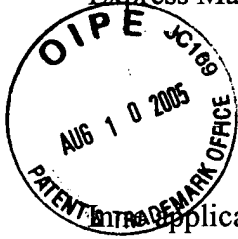
ADRIAN J. LEERegistration No. 42,785

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 14 Alexandria, Virginia 22313-1450.

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Express Mailing Label No.: EV 627625338 US

PATENT APPLICATION
Docket No: 15689.72



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of)
)
Motohiro Tanno et al.)
)
Serial No.: 09/880,453) Art Unit
) 2634
Filed: June 13, 2001)
)
Conf. No.: 5239)
)
For: SYNCHRONIZATION ESTABLISHING)
METHOD OF MOBILE STATION IN)
MOBILE COMMUNICATION SYSTEM)
)
)
Examiner: Dac V. Ha)
)
Customer No.: 022913)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail (EV627625338US), postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of August 2005.

- Transmittal of Issue Fee (4 pages)
- PTO Form PTOL-85B transmitting payment of Issue Fee and Publication Fee
- PTO 2038 Credit Card form for \$1,745.00
- Postcard

Respectfully submitted,

ADRIAN J. LEE
Attorney for Applicant
Registration No. 42,785
Customer No. 022913

VERNON R. RICE §
OF COUNSEL.

X Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.

☐ A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.

☒ A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.

☐ Pursuant to the request for submission of formal drawings, enclosed are the following:

☐ A Letter to the Official Draftsperson;

☐ A set of _____ () sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.

☐ A duplicate set of the _____ () sheets of formal drawings with the changes therein highlighted in red.

☒ PTO 2038 Credit Card form for \$1,745.00 is enclosed to cover:

☒ The \$1,400.00 government issue fee pursuant to 37 C.F.R. § 1.18.

☒ The \$300.00 government publication fee pursuant to 37 C.F.R. § 1.18.(d)

☒ The \$45.00 fee for fifteen (15) copies of the patent when issued.

☒ The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "Applicants have cancelled claims 2-3 and amended claims 1, 4-27. Particularly, claims 10, 23, 24, 25, 27 have been amended to be in independent form in accordance with the office action dated 09/07/04. Independent claim 1 has been amended to further clarify the claimed invention. Upon further consideration and comparison with prior art of record, the

examiner agrees applicants' argument in the REMARKS on pages 13-16 of the amendment filed 02/04/05. that is prior art of record, taking individually or collectively, fails to fairly teach method of synchronization of a mobile station based on the correlation including a second step of "averaging the first powerized correlation values", as claimed in independent claim 1: "wherein when the synchronization channel is estimated to be transmitted alternately from two antennas, the averaging step averages second correlation values that are estimated to be transmitted from a same antenna, and outputs second averaged correlation values; and the averaged correlation values to output second powerizing step detects power of the second powerized correlation values" in independent claim 10; "wherein the averaging period is varied in response to a moving speed of the mobile station" in independent claim 23; "wherein the averaging step carries out the averaging over a averaging period that is varied depending on a state of the mobile station, which includes a power up state, an idle state and a traffic state of the mobile station" in independent claim 24; "outputting, when the mobile station is at power up, power averaged correlation values by detecting powers of the correlation values of the synchronization channel first, and by averaging the powers thereafter, wherein the peak detecting step detects a peak of the power averaged correlation values" in independent claim 25; "outputting, when the mobile station is in one of the power up and idle state, power averaged correlation values by detecting powers of the correlation values of the synchronization channel first, and by averaging the powers thereafter, wherein the peak detecting step detects a peak of the power averaged correlation values" in independent claim 27 (claims 4-9, 11-22, 26 depend therefrom). Thus, claims 1, 4-27 are found to be novel and unobvious over prior art of record."

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

August 10, 2005
Page 4

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 10th day of August 2005.

Respectfully submitted,



ADRIAN J. LEE
Attorney for Applicant
Registration No. 42,785
Customer No. 022913

AJL:ds
DS0000003854V001